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August 22, 2023

VIA ECF

The Honorable Leda D. Wettre, U.S.M.J.
United States District Court
Martin Luther King, Jr. Federal Building
50 Walnut Street, Room 2060
Newark, New Jersey 07102

Re: *Axsome Therapeutics, Inc., et al. v. Teva Pharmaceuticals, Inc.*
Civil Action No. 23-1695 (MEF)(LDW)

Dear Judge Wettre:

This firm, together with Quinn Emanuel, represents Plaintiffs Axsome Therapeutics, Inc. and Antecip Bioventures II LLC in this case. We write on behalf of all parties regarding Your Honor's August 14, 2023 Text Order (ECF No. 34).

As an initial matter, the parties are continuing to meet and confer in an effort to resolve the outstanding Discovery Confidentiality Order ("DCO") dispute in accordance with Your Honor's August 14 Order. Pending resolution of the parties' dispute, the parties have agreed, subject to the Court's approval, to rely on Local Patent Rule 2.2, which allows for the production of discovery and disclosures deemed confidential by the producing entity on an outside counsel's Attorney's Eyes Only basis, solely for the purposes of the pending case and not to be disclosed to the client or any other person. In fact, the parties have already been relying on Local Patent Rule 2.2 for their document productions and believe that they can continue to rely on Local Patent Rule 2.2 to produce discovery in lieu of submitting a separate, interim DCO.

If this meets with the Court's approval, we respectfully request that Your Honor sign the below form of endorsement and have it entered on the docket. Thank you for Your Honor's kind attention to this matter.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Charles M. Lizza".

Charles M. Lizza

cc: All counsel of record (via email)

Hon. Leda D. Wettre, U.S.M.J.

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SO ORDERED that the parties shall rely on Local Patent Rule 2.2 to produce discovery and disclosures deemed confidential pending entry of a formal DCO by the Court.

Hon. Leda D. Wettre, U.S.M.J.